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# *Committee Meeting*

of

## ASSEMBLY REGULATORY OVERSIGHT COMMITTEE

*“Testimony on the progress of the New Jersey State Police under the consent decree entered into with the Federal government concerning procedures, practices, and policies relating to the management and operation of the State Police”*

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**LOCATION:** Committee Room 8  
State House Annex  
Trenton, New Jersey

**DATE:** October 24, 2002  
10:00 a.m.

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman William D. Payne, Chairman  
Assemblyman Joseph Cryan, Vice-Chairman  
Assemblywoman Nilsa Cruz-Perez



**ALSO PRESENT:**

James F. Vari  
Peter J. Kelly  
*Office of Legislative Services*  
*Committee Aides*

Gabby Mosquera  
*Assembly Majority*  
*Committee Aide*

***Meeting Recorded and Transcribed by***  
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Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**ASSEMBLYMAN WILLIAM D. PAYNE (Chairman):** Good morning, everyone. My name is William Payne.

As you know, this morning, the Assembly Regulatory Oversight Committee will discuss the progress and the status of the New Jersey State Police under the consent decree, which was entered into with the Federal government and the State concerning procedures, practices, and policies relating to the management and operation of the State Police. This consent decree was entered into in 1999 -- December of 1999, and there's a good deal of interest in where we are now. The citizens of the State of New Jersey and others are very interested in knowing where we are and the purpose.

As you know, in 1999, New Jersey was catapulted into the national spotlight as a result of the infamous shooting by State Police -- in 1998 rather -- State Police into a van carrying four college-bound minority youths. Three were injured and, subsequently, became identified as victims of what became widely known as racial profiling. It was charged that New Jersey State Police regularly practice racial profiling, that is, stopping motorists because of their skin color.

The State denied that racial profiling existed. However, often after subsequent revelations, it became evident that the practice did exist among some State Police, as well as other unacceptable illegal behavior by some members of the State Police.

In 1999, the legislative Black and Latino Caucus, which is composed of some 23 members of the New Jersey Legislature, with the support of other members of the Legislature, conducted public hearings to determine the extent of this State Police misconduct.

Many minority motorists appeared before this Committee at our hearings and testified to the experience that they had had at the hands of some police officers. At the conclusion of these hearings, the Caucus proposed legislation to address the problems within the State Police. A number of these pieces of legislation are now making their way through the Legislature.

The State finally admitted to the existence of racial profiling, and, in December 1999, entered into a consent decree with the Federal government to avoid a Federal civil rights suit.

We are conducting this hearing to learn of the status of the implementation of the decree. And we are seeking to determine what progress has been made, what strengths and/or weaknesses might still exist, and what else needs to be done. We're all working towards the day when we can look with pride at this elite and outstanding State Police force. And we're here today for that purpose.

I'd like to know whether or not any of my colleagues would like to make a statement -- hearings. (no response)

If not, I'm going to ask Mr. William Buckman of the ACLU, who is here today-- We expect to hear from a number of community groups, as well as representatives of the Attorney General's Office.

Is Mr. Buckman here?

**WILLIAM BUCKMAN, ESQ.:** Yes, sir.

ASSEMBLYMAN PAYNE: All right. Fine. Thank you.

Would you just identify yourself and organization for us, please?

MR. BUCKMAN: Thank you.

My name is William Buckman.

ASSEMBLYMAN PAYNE: The red light means that you're on.  
(referring to PA microphone)

MR. BUCKMAN: Thank you.

My name is William Buckman. And I appreciate the opportunity to address the Committee today. I am appearing on behalf of the American Civil Liberties Union of New Jersey.

Since 1990, I have been involved in issues involving racial profiling here in the State of New Jersey. I was privileged to be part of the defense team that brought the *Soto* case in Gloucester County, which was the first case in our courts to establish the existence of racial profiling on the New Jersey Turnpike.

I have, since that time, been engaged, on behalf of the ACLU and other organizations, extensively in the investigation of the State Police, and then litigation involving the State Police, on the issue of biased law enforcement and racial profiling. And I have had the occasion -- or I've studied extensively, the consent decree. And I can-- And I'd like to share with you some of my observations about the consent decree, and particularly as it affects the citizens of New Jersey.

I think, as an overview, it's important to consider the fact that the consent decree was entered into between the State of New Jersey and the Justice Department after only one week -- or less than a week -- after the complaint, which sought that consent decree, was filed.

There was never any opportunity for the citizens, interested citizens and interested groups, to have input into the consent decree and to have dialogue with the Department of Justice as to what we thought were

needed mechanisms in the consent decree. It was essentially negotiated in secret and entered into during that rapid process.

It was only after the entry of the consent decree in December of 1999 that much of the most alarming aspects of the history and culture of profiling were released. Approximately a year later, in November of 2000, is when over a hundred thousand documents relating to racial profiling were finally released as a result of litigation and other actions.

One of the most important aspects for the citizens of the State of New Jersey, I would suggest to you, is embodied in Paragraph 128 of the consent decree. Paragraph 128 of the consent decree specifically says that the consent decree, in many ways, is a minimum, not a maximum. It says that the consent decree should not be a bar to any other persons whose rights have been affected, or any other organizations whose rights have been affected, for seeking redress in the courts.

Now, one of the greatest disappointments to me, as a representative of the ACLU and as a person who has been in contact with numerous victims of racial profiling, is the fact that no sooner was the ink dried on the consent decree that -- in the various courts in the State and in the United States courts -- the State of New Jersey, through the Attorney General's Office, as well as through private firms hired by the State of New Jersey in issues involving racial profiling, has repeatedly asked courts not to grant or even examine the issue of any further needed injunctive relief, saying that the consent decree occupies the field. And they have taken the position consistently, despite the fact that Paragraph 128 says we do not occupy the

field, and there should be room for other interested parties and other organizations to seek additional, complementary injunctive relief.

ASSEMBLYMAN PAYNE: Let me interrupt you for one second, if you don't mind.

MR. BUCKMAN: Yes, sir.

ASSEMBLYMAN PAYNE: Define *occupies the field* in laymen terms.

MR. BUCKMAN: Well, essentially, the State of New Jersey, through the Attorney General's Office, has taken the position, in litigation in all the courts, that when we've asked for injunctive relief, when we've said to courts in racial profiling litigation that as part of the solution to this -- to a particular case-- One case, in particular, is the case of *Morka versus the State of New Jersey*, where we had 12 plaintiffs, all of which had been victims of racial profiling.

In our complaint we said, in addition to any potential monetary damages, we wanted the court to look at injunctive relief, additional needed changes for the State Police. The Attorney General's Office of the State of New Jersey took the position that the court should not allow us even to discuss additional changes or additional injunctive relief, because the consent decree was there, and now everything was resolved magically, and everything was hunky-dory, and no court should get involved because the consent decree, in other words, occupied the field.

That's one of the most needed changes, or that is one of the greatest things of concern to me because the ink -- because Paragraph 128 is crystal clear. It should not occupy the field. And the State of New Jersey,

through the Attorney General's Office, should not be preventing victims and organizations interested in this problem from seeking additional complementary relief in the courts, when it's necessary.

ASSEMBLYMAN PAYNE: I'm going to stop you again.

MR. BUCKMAN: Sure.

ASSEMBLYMAN PAYNE: Again, for the laymen, when you say that the consent decree -- the State says that the consent decree occupies the field-- But you're saying Paragraph 128 does not say that, right?

MR. BUCKMAN: That's correct.

ASSEMBLYMAN PAYNE: Paragraph 128 allows for others, other than the Attorney General, to become involved in, what, bringing the--

MR. BUCKMAN: Paragraph 128 specifically says that the consent decree is not a bar to other interested or aggrieved persons or organizations to seek additional injunctive relief or to protect their rights as they see fit.

And yet, in every piece of litigation that I've been involved in in the State of New Jersey or in the U.S. district courts, on behalf of victims of profiling, I have been met with, either from the Attorney General's Office or from the law firms employed by the State to defend the State in this litigation, the argument that I should not be allowed to address additional injunctive relief, because the consent decree is the beginning and end of it, and the courts should not deal with the issue of whether or not further relief is necessary.

ASSEMBLYMAN PAYNE: They say other cases cannot be brought -- or other charges cannot be brought?

MR. BUCKMAN: Other requests for injunctive relief should not be allowed, because, according to them, the consent decree is the beginning and end of it.

Now, clearly, that can't be the case. We know from the monitors' reports themselves that there are additional changes that are necessary. And, most importantly, we know that from the hasty one-week process, during which the consent decree was arrived at, there have to have been some things that were overlooked. And I'm prepared to tell you some of the aspects that are necessary to examine, and would be complementary relief to, the consent decree.

But the Justice Department was wise when they inserted Paragraph 128 in the consent decree. They were wise by saying, "This isn't the be all or end all. Other groups and other organizations can enforce their rights as they see fit. And the consent decree will not be a bar to that." And yet, in every piece of litigation that I've been involved in since then, it has been the official position of the State, or its privately engaged attorneys, that no additional injunctive relief should be addressed at all in the courts.

ASSEMBLYMAN PAYNE: That's the official position of the State?

MR. BUCKMAN: Yes, in every case that I've been involved in. I have fought motion after motion, in my cases, where the Attorney General's Office, or the attorneys hired by the State, have asked the court to dismiss my claims for injunctive relief, saying the consent decree should be the beginning and end of it. It's already in place, and no victims of racial profiling should be allowed to address in the courts additional needed relief.

ASSEMBLYMAN PAYNE: And that's happened-- I mean, that's always been--

MR. BUCKMAN: I have had that happen, easily, over four to six times in all the litigation I've been involved in since the entry of the consent decree.

ASSEMBLYMAN PAYNE: Even when you refer to Paragraph 128 of the consent decree?

MR. BUCKMAN: Absolutely, yes. Despite Paragraph 128, which is crystal clear, we have dealt with that motion and that position repeatedly.

Now, from my observation, one of the most important things, one of the most important protections that the citizens need, is for it to be made clear that victims of profiling, when they have valid cases in court, should be allowed to ask for additional injunctive relief.

One of my plaintiffs in the *Morka* case was Dr. Elmo Randolph, an African-American dentist, who was stopped over a hundred times on the New Jersey Turnpike. Once, when his car was searched and an officer found dental magazines in his trunk, the officer--

ASSEMBLYMAN CRYAN: I'm sorry. Did you say stopped, himself, over a hundred times?

MR. BUCKMAN: Yes, over a hundred times.

ASSEMBLYMAN PAYNE: Over what period of time?

MR. BUCKMAN: Over a period of four years.

ASSEMBLYMAN CRYAN: Twenty-five times a month -- or a year -- this guy--

MR. BUCKMAN: Yes. He had a gold BMW. And, probably, in one of the most poignant pieces of testimony that he offered in one of the cases, he was asked, "Did you ultimately get rid of the gold BMW?" He said, "Yes, I got rid of the gold BMW because I was being stopped too many times." "What kind of car did you get?" "I got a black BMW." We asked him, "How many times were you stopped in that?" He said, "Six times." We said, "Well, didn't that anger you?" He said, "The gold BMW was too much. The black BMW, I felt, was just the price of being an African-American man with a good car. I can live with that."

But when the officer found dental magazines in his trunk, the officer remarked to him, "Well, I guess you're really not lying. You're really a dentist," as if an African-American can't be a dentist.

Now, Elmo Randolph, having been stopped over a hundred times on the Turnpike, surely is someone that has a right to go into the courts of New Jersey and ask for additional injunctive relief.

ASSEMBLYMAN PAYNE: And that was denied?

MR. BUCKMAN: Yes.

ASSEMBLYMAN PAYNE: Is there any redress? I mean, if you refer to the consent decree, that should be sufficient, shouldn't it? It would seem to me-- We have a representative here from the Attorney General's Office who will be testifying after you.

MR. BUCKMAN: Yes.

ASSEMBLYMAN PAYNE: But I just want to be clear, because many of us in the State of New Jersey are under the impression that with the consent decree in place, that we are addressing these problems that exist and

that the citizens of New Jersey have more of an opportunity to resolve these problems, not less.

MR. BUCKMAN: I'm sorry to interrupt. Only through the legislative process. The consent decree-- I don't want to be misunderstood.

ASSEMBLYMAN PAYNE: Right.

MR. BUCKMAN: The consent decree is a good and valuable first step. But it should not be seen as the be all and end all. It should not be seen as the maximum. It should be seen as the minimum. And yet, the State has employed it as the central core of its argument -- that the consent decree is the maximum, that citizens and organizations should have no right to go into the courts of New Jersey and seek additional complementary injunctive relief. We have repeatedly met with that.

ASSEMBLYMAN PAYNE: Mr. Cryan has a question.

ASSEMBLYMAN CRYAN: Let me see if I understand you. You are an attorney here. Is that correct?

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: You go into the courts in a consent decree that's entered in, via the court system.

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: This is a legal document, is it not, the consent decree?

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: And as an attorney, you make a legal argument. And what you're telling me is that the State or the AG's Office

makes a legal argument, and you're not able to win these arguments in court. Is that correct?

MR. BUCKMAN: We have not been successful.

ASSEMBLYMAN CRYAN: So, what's the problem. We have a legal recourse here, entered into by the courts, where the courts have interpreted it. It sounds to me like you lost a legal argument. And we have this document in place that folks are using. I'm not sure I understand your point -- that you're saying that we have this decree-- It sounds to me like you just don't like the State's position because you're losing in court.

MR. BUCKMAN: Well, it's clear that, certainly, I don't like the State's position. And I don't like the State's position because I think the consent decree is clear. Paragraph 128 says--

ASSEMBLYMAN CRYAN: And I agree with you.

MR. BUCKMAN: --that other persons should be allowed to come to the courts asking for additional injunctive relief.

ASSEMBLYMAN CRYAN: "Nothing in this consent decree shall be construed to impair the right of any person/organization to seek relief against the State or State Police." That's the line you're referring to.

MR. BUCKMAN: That's correct.

ASSEMBLYMAN CRYAN: I can read it and have no disagreement. You and I may interpret, but we have a system of law in this country, a system that's actually implemented this consent decree, I might add.

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: And that same system is the one that, it sounds like-- And the story you're providing is you're going in with one

argument. The AG's Office is going with another. And you're losing to the same system that has provided this consent decree, have you not?

MR. BUCKMAN: Well, the system that presided-- The consent decree was produced as a result of very specialized litigation, which allows only the Department of Justice to seek certain -- to proceed against certain law enforcement agencies. And they did so under that United States statute, under that aspect of the United States code. And they produced the consent decree in this quick process of one week.

ASSEMBLYMAN CRYAN: With all due respect, though, this consent decree -- and you're minimalizing the activity of engaging in, and the State of New Jersey adopting, this. I think it's fair to say that the State of New Jersey, the taxpayers, me and you, have invested, I would safely say, the millions of dollars, in effect, to ensure that all of our millions of citizens are, in fact, being provided for accordingly under this decree.

I don't understand how it is that your complaint about the consent decree is only -- was done in a week. Frankly, I'm not sure I accept your premise. But, as such, therefore, it shouldn't be a guiding document, which is what I understand your testimony to be. And the reason I interrupt you is because I don't think you have it written out, do you? I don't have typed testimony.

MR. BUCKMAN: No, that's correct.

ASSEMBLYMAN CRYAN: Okay. Do I understand that correctly, that your argument is the time frame wasn't long enough to provide the consent decree, and the statement that's in the consent decree, you haven't been able to win a legal argument with?

MR. BUCKMAN: Well, I think you're essentially correct. The time frame was very quick. I think it's a matter of public record that the time frame is such that the complaint that the U.S. Justice Department filed was, I believe, on, like, the 20th. And the consent decree was entered into on the 27th. There was no invitation or no notice to any other parties to participate. There was no opportunity for any other parties to intervene and to participate whatsoever.

ASSEMBLYMAN PAYNE: Who participated?

MR. BUCKMAN: Simply the Department of Justice and the Attorney General's Office. Those were the parties that produced the consent decree. Interested parties--

ASSEMBLYMAN PAYNE: Is that unusual?

MR. BUCKMAN: It's a mixed bag. In some other-- For instance, I believe, in the Pittsburgh litigation, organizations that had been litigating police misconduct were consulted, such as the ACLU and other organizations.

ASSEMBLYMAN PAYNE: You're not saying that it's-- This document, as you say, is a very positive tool to address the problems that exist or were revealed during that period of time, aren't you? You're saying that. And you've only cited Paragraph 128 as an area that you have some problems with. Do other people in your field feel the same way about this particular prohibition of seeking additional injunctive relief? Do other people share your view that this is a document that is weakened by this practice?

MR. BUCKMAN: Yes, sir. I mean, certainly, it is necessary for victims of profiling, and who have been affected by profiling and biased law

enforcement, to be able to litigate in the courts, when necessary, and ask for additional injunctive relief, to ask for additional areas.

For instance, one of the main aspects that -- and to just give you an example. The consent decree does not require records to be made public. It doesn't require-- One of the most difficult hurdles we faced in the *Soto* litigation was to make sense of the State Police stop-statistics, how often minorities were being stopped. We literally had to litigate for about five-and-a-half years to finally get that material.

The consent decree does not require that the State Police stop-statistics be made public. Now what we get are monitors' reports or summary reports.

ASSEMBLYMAN CRYAN: Wait a minute. With all due respect, in Section 114 of this decree, under public information, it says, "These aggregate statistics shall include the number of motor vehicle stops, the reason for the stops, the enforcement actions, the procedures." What else is it you want?

MR. BUCKMAN: That's the aggregate statistics. That's the exact point. It's the aggregate statistics that were looked at. The public, through interested organizations, should access, have access to, the exact statistics: to the summonses, to the exact number of stops, to the numbers of people who are stopped, to the identity of the people who are stopped, so that we can put a very important check and balance on this. Aggregate statistics don't necessarily tell me whether or not profiling is still afoot. It tells me what someone else's interpretation of those statistics are, but it doesn't give me the tools that the court ultimately gave me in *Soto* to look directly at these statistics

and the source documents and say, "Guess what? It's a very, very serious problem, and it's still going on."

ASSEMBLYMAN CRYAN: Is it your position that you want the identity of the people that are stopped to actually be public record? Did I understand you correctly?

MR. BUCKMAN: Yes, sir. Certain organizations--

ASSEMBLYMAN CRYAN: I think I'm going to disagree with you on that.

MR. BUCKMAN: Certain organizations and interested people should be allowed to look at the source documents, because the problem with racial profiling arose when the public was kept, for decades, from being allowed to look at the phenomenon of stop rates.

Now, the problem of racial profiling wasn't solved by the Department of Justice or wasn't exposed by the Department of Justice or by the Attorney General's Office, or by the New Jersey State Police. Keep in mind, please, that the real proof of racial profiling in the State of New Jersey came about first in the case of *State v. Soto*, when a New Jersey Superior Court finally said to the State, "Stop hiding those statistics and let these lawyers look at the source documents." That's when our statisticians started looking at the documents. That's when we started correlating race with the numbers of stoppees. And we were able to say that an African-American was five times more likely to be stopped on the Turnpike than a caucasian.

Now, aggregate statistics-- If we are left in the future with nothing but aggregate statistics, that won't be enough for interested organizations and

persons to put a necessary check and balance to examine these statistics. I can't go into court with aggregate statistics.

ASSEMBLYMAN CRYAN: Well, suppose I get stopped.

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: Let me go through this. Do you believe that it's your right, as an interested person, to be able to find out who I am, why I was stopped? You should, therefore, I assume, be able to, as a matter of public record, even contact me to the nature of my stop. Do I understand you correctly?

MR. BUCKMAN: I think that when I have anecdotal evidence that shows a reasonable basis to believe that profiling is going on, I should be able to get aggregate -- beyond aggregate -- statistics to be able to start reconstructing the stop-statistics.

ASSEMBLYMAN CRYAN: But you have-- The United States of America and the State of New Jersey have entered into a consent decree. You don't need any anecdotal evidence. It's here. It's in black and white, to be candid.

MR. BUCKMAN: Yes, it's there, and--

ASSEMBLYMAN CRYAN: And what if you're on a witch-hunt? Who stops that?

MR. BUCKMAN: So far, for the last 10 years, I haven't been.

ASSEMBLYMAN CRYAN: Sir, with all due respect to you and your organization, which I greatly admire, suppose it's some other interested party? Why don't we do it that way?

MR. BUCKMAN: Well, I think that in light of the debacle that we suffered, first of racial profiling proceeding for over 20 years, and for the State of New Jersey having denied it and the State of New Jersey having fought any efforts to examine the statistics, and then three innocent men being shot-- I think we should be thinking more in terms of making sure that interested persons and parties can effect needed checks and balances, at least for another decade or so, rather than immediately say, "Let's limit these statistics."

The biggest problem in proving racial profiling, and examining racial profiling, and seeing to it that it never occurs again is the issue of seeing to it that statistics, the raw data, is available to interested persons and parties. Aggregate statistics won't resolve that.

ASSEMBLYMAN CRYAN: And therefore, I would assume--

MR. BUCKMAN: For instance--

ASSEMBLYMAN CRYAN: Therefore, I would assume -- let me finish -- that the independent monitor, and I want to emphasize the term independent, who has access to any piece of information he chooses, isn't satisfactory, in your mind, to be able look at these statistics and judge whether or not they're correct. Is that correct?

MR. BUCKMAN: Certainly, we need other entities other than just the independent monitoring.

ASSEMBLYMAN CRYAN: In your opinion.

MR. BUCKMAN: Remember, the consent decree only has a life of five years. We're going to need to look at this for a lot longer. This is a phenomenon that has lasted for decades. And I think it's cautious to say that we need to consider remedies for more than five years.

ASSEMBLYMAN CRYAN: So your complaint is the consent decree was done too fast and doesn't last long enough.

MR. BUCKMAN: No. My suggestion is also that the consent decree be seen as a minimum, not a maximum, and that there are other complementary areas that we should look into, and that we should assure the public that they could have access to, above and beyond, the consent decree.

For instance, in this area of stop-statistics, it is a matter of public record if you're stopped by the police and given a warning or a ticket. That's a public document.

ASSEMBLYMAN CRYAN: I'm aware of that.

MR. BUCKMAN: What we could simply do, and require of the State Police, is to mark race on the ticket. That's a public document. There are so many documents that we produce every day that have racial information. We should have racial identifiers on our tickets. That would go a long way. And we should make it clear that the public has access to warning and ticket information.

ASSEMBLYMAN PAYNE: You, obviously, Mr. Buckman, have thought about some areas where this consent decree does not, cannot, measure up, and cannot meet all of the needs to bring about the kind of agency that we're looking for.

You probably -- and this is not-- I think we can be here all day picking out various individual areas that we need some improvement on. Perhaps you need to communicate with those people in responsible positions, maybe the legislators, this Committee, to have some kinds of suggestions as to how this may or may not be improved.

I said at the outset that this hearing was to find out where we are, to see whether or not there's been progress, or measure the progress that's been made under the consent decree, and then to find out whether or not there are some areas that might need to be improved.

The fact is that we need to be sure that what we're doing here is going to be effective in eliminating the problems that brought us to this point. And I know that you represent one side of the issue. We have the people that represent the other side. But I want, for the citizens of the State of New Jersey, to have a fair and impartial means to address these problems because all of the citizens of New Jersey deserve to have a fair treatment by law enforcement.

But I think the word witch-hunt was mentioned before. There very well may be people out there who would like to find ways to continue to have a negative kind of impression of the State Police or even the government, and might pick up various kinds of things that might have some nuances that will negate the positive things. I'm looking for the positives, as well.

But I also, and bottom line, want to make sure that what we're talking about now is not something that's going to -- this consent decree doesn't lull people into thinking that this is a panacea. I think we need to have a very candid discussion about where we are with this and whether or not it's an effective tool.

And the last point I'm going to make here, and I'll let you finish your testimony, is that we recognize that this consent decree has a -- sunsets. And I want to make sure that this does not stop, the improvements don't stop, when and if this consent decree is over. That's why there is some legislation

going through the Legislature right now to codify and to put into law some of the recommendations that have been made.

But I want to make sure that the citizens of New Jersey have a -- and also that police officers have a fair and impartial review of their practices and that we can bring about the improvements that we need.

MR. BUCKMAN: Yes, sir. And I agree with what you said. And I think, in many ways, you summarized my impression. And I don't want to be misunderstood. It's a reasonable first step, but it is a first step. It's not a panacea. That is the most important thing to be kept in mind.

I've touched upon the need -- the issue that, in terms of evaluating performance of the consent decree, we should seriously consider the bonifides of how Paragraph 128 is being used. I think we have to consider, in terms of how we administer the consent decree and how we deal with this problem, the issue of the public's access to records so that the public can act as a needed check and balance to independently verify this issue.

For instance, in looking at the monitors' reports, there is substantial discussion in the monitors' reports about the length of time and the progress made towards eliminating internal investigations and internal investigation backlogs. That's a very important aspect.

But I would pose to the Committee, and I would throw out to you, a major issue that is not addressed by the consent decree, or is not addressed adequately at this time, is the issue of when internal investigations complaints are used in a retaliatory fashion. We still have that serious problem. We've seen that in the news recently, about the issue of investigations and IAB complaints being used in a retaliatory function.

The issue of how quickly we dispose of IAB complaints doesn't deal with whether or not IAB complaints are being unfairly leveled at critics within the State Police. Those who say, "I see illegal practices," have to be protected. And we have to deal with not only the amount of time, but insulating people from being retaliated against through the IAB process.

ASSEMBLYMAN PAYNE: You're saying that retaliatory actions are being taken now against certain members of the State Police?

MR. BUCKMAN: I would say that that's still a problem. That is still a problem -- that critics find themselves on the wrong end of retaliatory IAB complaints.

ASSEMBLYMAN PAYNE: We've had a couple of new superintendents since this whole fiasco was revealed. You're saying that, under these two succeeding superintendents that have been here since then, retaliation and retaliatory actions are being taken against some of the law enforcement people who criticize or bring complaints?

MR. BUCKMAN: Yes, and please remember, it's a large organization.

ASSEMBLYMAN PAYNE: Yes.

MR. BUCKMAN: Even the best intentions of a good or a well-meaning superintendent will not necessarily insulate people below him from being retaliated against or for IAB, even in the best system.

There is no structure in place for quick screening of IAB complaints for possible retaliation. And there's no structure in place to protect, other than a very extensive and long-lived CEPA lawsuit to protect critics from retaliation. So the consent decree doesn't address that.

And when we look at the monitors' reports on the issue of disposal of Internal Affairs complaints, it leaves -- we have a large loophole that is still unaddressed on that issue. And remember that, or at least from my experience, profiling survived and thrived because of a wink and a nod and an unofficial or an unwritten enforcement policy, whereby troopers who did not want to participate in it found themselves at the wrong end of actions sometimes -- retaliatory actions, failure to get promoted, retaliatory transfers, and that sort of thing. So we're talking about a whole package of things that have to be addressed.

The consent decree is a good thing. It's not a panacea. But we still have work to do in terms of the culture of the State Police and some mechanisms that are missing.

ASSEMBLYMAN PAYNE: Mr. Cryan.

ASSEMBLYMAN CRYAN: I have a couple of questions here on this subject.

Let me see if I understand this right. We have had-- Our last two superintendents -- one's been -- I think Santiago was Hispanic. I'm not sure he's a minority -- and Carson Dunbar, who was African-American. And it's your position that, even with the climate changes at the top, that at some level in the State Police there's this retaliatory effort against certain State Troopers because of--

ASSEMBLYMAN PAYNE: Whistle blowing.

ASSEMBLYMAN CRYAN: --whistle blowing. Is that correct?

MR. BUCKMAN: That's correct.

ASSEMBLYMAN CRYAN: Can you offer specifics?

MR. BUCKMAN: I can. I mean, they're normally confidential, but I'd be happy to.

ASSEMBLYMAN CRYAN: How many cases?

MR. BUCKMAN: I'm sorry?

ASSEMBLYMAN CRYAN: How many?

MR. BUCKMAN: I don't have a total number on it.

ASSEMBLYMAN CRYAN: Okay.

MR. BUCKMAN: I can give you an example, for instance--

ASSEMBLYMAN CRYAN: I don't want an example. I want some numbers. I mean, to make a statement like that, I think, deserves a little more than a generality. Are these the legal cases that you've been in court with?

MR. BUCKMAN: Some of them. And some of them are troopers that have suffered retaliation.

ASSEMBLYMAN CRYAN: So that I understand, are these some of the cases that you've argued in court that the consent decree hasn't given you enough information -- you've lost in court?

MR. BUCKMAN: No, these are cases on behalf of -- where I've represented troopers who have been the victims of retaliatory conduct. And these are also not cases just involving me. It's a matter of record that there are dozens of cases involving retaliation.

And just so that we can make it clear, we're talking about troopers from all sides of the spectrum, those who complained about profiling and those who complained about this or that administration.

The fact of the matter is, very often, unfortunately, troopers who complain or speak out about concerns that they have within the State Police

find themselves saddled with an Internal Affairs complaint. Now, whether it's ultimately found to be baseless or it's ultimately found to be the basis of discipline, it's still an anchor around that trooper's neck. And it hurts. It impacts negatively on that trooper's career. So, we still have an entire area that -- of this aspect of the culture and mechanics of the State Police that is not yet addressed by the consent decree.

ASSEMBLYMAN CRYAN: I'll ask Mr. Manahan this when he comes, or someone from the State Police. As I understand it, there are complaints against troopers, both internal and external, on often a retaliatory basis, just because of the nature of the fact that they write a lot of tickets and things like that. Is that correct?

MR. BUCKMAN: That's true.

ASSEMBLYMAN CRYAN: And that would result in an Internal Affairs investigation, would it not?

MR. BUCKMAN: Yes.

ASSEMBLYMAN CRYAN: So, by the nature of their enforcement position, the State Police troopers have a natural inclination to have complaints waged against them because they're in a punitive measure as a result of issuing law enforcement.

MR. BUCKMAN: That's one of the dangers of the job.

ASSEMBLYMAN CRYAN: Okay. And I'll ask someone from the State Police whether they have it or not-- I assume that at some level, there's complaints that are justified, and there are statistics that say some of these are good, and some of these are bad.

MR. BUCKMAN: That's right.

ASSEMBLYMAN CRYAN: And your complaint, as I understand it, is some of these are a result -- because somebody whistle blowed.

MR. BUCKMAN: Yes, sometimes -- many times these complaints are generated from within the organization.

ASSEMBLYMAN CRYAN: So another trooper complains about a trooper. Is that what you're telling me?

MR. BUCKMAN: That's correct. Remember, the hierarchy institutes an investigation, because a trooper has complained about his or her working conditions or about conditions that he or she has observed. So when we talk about the monitors' reports and we talk about the consent decree -- talking about the need to quickly dispose of Internal Affairs complaints, we haven't yet dealt with the problem -- the long-seeded and long-standing problem in the New Jersey State Police of inappropriate use of the Internal Affairs mechanism to silence critics. And that remains a major concern.

ASSEMBLYMAN PAYNE: Mr. Buckman, some of the things we're talking about, here now, seem to be problems that exist in any agency, not only law enforcement agencies. Whistle blowing, etc., where people have been penalized by their superiors or by others within their departments, other than law enforcement, penalized or maybe a retaliatory action taken against them-- I think that's something-- And then that's why, I suppose, there are some whistle blowing laws out there to protect people who do that.

MR. BUCKMAN: Yes.

ASSEMBLYMAN PAYNE: We're talking here about retaliation. The consent decree came about as a result of the charges of racial profiling, etc., practices that were against people simply because of their race or ethnic

background, etc. And I think that's what this consent decree addresses. There are probably a lot of other areas that need improvement in the State Police organization; maybe the uniforms or whatever. I don't know. But we're talking here today about the consent decree that addresses the problems of racial profiling and those related problems, such as that.

I have heard, also, that there have been retaliations against some of the officers who have brought charges or complaints, etc., and we need to address that. And I suppose that, in this instance, the consent decree should be, or maybe needs to be, stronger in that area. But I think what we want to zero in on, and keep focus on, is what the purpose of this consent decree is about, and what brought it about, etc., and whether or not we're addressing this.

I have spoken with some members of the State Police who frequently have said that, "If this happens, or this law is passed," and so on and so forth, that, "It's going to be difficult for my guys to do their job. They'll be afraid to do their job." I don't believe that. I don't believe there are people that are simply not going to be able to carry out their job because of more and more monitoring to make sure that they're doing the job properly. I have more faith in human nature. I have more faith in people's abilities to do the right thing.

The same thing here. I think that, with the consent decree, it's geared toward trying to bring about the changes that are necessary here. There has to be-- And I was going to ask you, in your concluding remarks, whether or not there are any positives that come out of the consent decree. Is there anything that's positive or good about this? Have you seen any improvements

whatsoever? I know they're slow in coming about, that I'm not satisfied with what I see. But I'd like to know whether or not it's all doomsday. I mean, is there anything -- is there any light at the end of the tunnel? And if there is a light, is it another train coming in our direction? What is it? I want to know, from your perspective, because you represent the other perspective, is there anything good that is coming out of this consent decree?

MR. BUCKMAN: Yes. It's positive that we have a consent decree. It's positive that we have public scrutiny and the Department of Justice scrutiny of these situations. It's positive that we have independent monitors.

But if I were to conclude, I would say that we have to keep track of the fact of something that you said, Mr. Chairman, and that is, this is not a panacea. It is the beginning and not the end. We cannot pat ourselves on the back for having this consent decree. We have to say that this has to be a foundational block in a process of making additional changes that are not addressed in the consent decree. I've tried to highlight a few.

And in conclusion, I would also just go back very briefly to this retaliatory aspect and say, yes, this problem of retaliation exists in every organization. But we have had, and the consent decree is aimed at an organization that has had, particular problems. And we want to make sure that this organization has a safe atmosphere for critics to come forward when they see problems. This is an organization.

The consent decree is all about having needed oversight. One of the most important aspects of oversight is that the people in the field can speak

freely and without fear. And that's why, in particular, we have to pay attention to that as we move forward.

Thank you.

ASSEMBLYMAN PAYNE: Thank you very much.

MR. BUCKMAN: Thank you very much for indulging me.

ASSEMBLYMAN PAYNE: We'll hear from Mr. Thomas Manahan and Steve Finkel from the Attorney General's Office.

**ASST. ATTORNEY GENERAL B. STEPHEN FINKEL:**  
Good morning, Mr. Chairman.

Thank you for inviting us to testify this morning.

ASSEMBLYMAN PAYNE: Thank you for coming. It's very good to see you. It's always good to see you.

ASSISTANT ATTORNEY GENERAL FINKEL: It's always a pleasure.

We are prepared today to discuss the topic of the State Police and the progress under the consent decree. I don't want to deviate from the subject before this Committee. I will say-- And we're not going to speak about litigation, things that are beyond the pale of this subject matter. I will say that Assemblyman Cryan was right-on with his remarks regarding -- you make an argument in court, and you're trying to convince the judge. So, that's all I would even say on that.

With me is Tom Manahan, who is an Assistant Attorney General, and is Director of the Office of State Police Affairs, which is a unit that was set up within the Office of the Attorney General to monitor the State Police and to work with the Federal monitors in implementing the consent decree.

And I will turn it over to Mr. Manahan.

**ASST. ATTORNEY GENERAL THOMAS MANAHAN:**

Good morning, Mr. Chairman.

You may recognize my face. I was the Union County prosecutor.

ASSEMBLYMAN PAYNE: Yes, that's right.

ASSISTANT ATTORNEY GENERAL MANAHAN: Just, by way of some background, for the Committee's edification, during the time that I was the Union County prosecutor, the law enforcement community in Union County developed a data-collection program that was voluntary. And the purpose of that was to promote not only confidence in the law enforcement community, but it was to restore the integrity of law enforcement. And I will say it was met with very positive results, both within and without the law enforcement community.

Principally, as a result of that -- entering into that voluntary policy -- I was requested by Senator Corzine to appear and to provide a statement in support of Federal legislation known as the End Racial Profiling Act. And that was in June of last year. As a matter of fact, I was asked to attend by the ACLU and give a statement on behalf of that bill, which I was pleased to do because not only is it my belief, but it's the belief of this Attorney General and it's the belief of the good and honorable members of the Division of State Police, that there is conduct which they recognize as legally permissible, and there's conduct which comes at a social cost.

The State Police also recognize, today more than ever, that they cannot distance themselves from the concerns of the citizens that they must serve, nor can they do their job in the shadow of mistrust. And so, it is my

view, and the view of the Division of the State Police, and most certainly the view of the Attorney General of the State of New Jersey, that this consent decree will be enforced by its terms. It is a starting point. There is no argument there. And we're here today to report on the progress, to respond to inquiries, and to also note areas where we're not moving as quickly as we would like to move.

I just want to conclude my initial statement, before I get into the progress, Mr. Chairman, by stating, again, that it is the position of the Attorney General of this state that the two worthy and commendable objections of protection -- excuse me, of reduction of crime and protection of one's civil rights should not be in conflict, and one should not be subordinate to the other. And it is within that policy and spirit that we will move forward.

I have provided to the Committee today a copy of the sixth progress status summary of the consent decree. This was filed yesterday in the Federal court. I'm not going to ask you to read it or absorb it right now.

ASSEMBLYMAN PAYNE: I already have. I just did. (laughter)

ASSISTANT ATTORNEY GENERAL MANAHAN: Okay. But this report is public. It is required to be filed by the terms of the consent decree. And it is made available not only to the public, but to the Federal monitors and to the Department of Justice, Civil Rights Division. It is, in some ways, our report card. It's our report, and then the monitors give us our report card very shortly thereafter.

There are four major areas that the consent decree talked about, in terms of reform. One was in the field operations, which, I think, is that which the public is most aware -- that is the road stops. The second area of

concern addressed was Internal Affairs. The third was the training -- the necessary training that should be needed to be provided. And the fourth was the development of an early warning system by way of a computer -- excuse me, a data program that has come to be known as MAPS.

I thought it would be more efficient if I talked about where we believe we made progress in those areas and where, perhaps, we can do much better. I'll start with field operations.

Since the inception of the consent decree in December of 1999, the Division of State Police has revised numerous standard operating procedures directed towards compliance with the consent decree. Now, more than ever, what a trooper does during a road stop is recorded and is made public. When I say recorded, I mean not only on a document, but, certainly, it is literally recorded. Supervisors not only review those reports and are compelled to do so within 10 days of the stop, but they also conduct random reviews of the video tapes, depending on what they see in those reports.

We believe that this has assisted not only in providing better supervision, but in making sure that the stops that are being made by the state troopers on our roadways and on our highways are done not in any way that crosses legal lines, but are done legitimately. We cannot be sure, absolutely sure, ever, that every stop is done in conformance with the law, but that is our goal. We're not saying that we cannot meet that. We're saying that, today, we can't say that we are able to achieve that.

One of the areas that we are attempting to assist the trooper on the road with is a provision of legal guidance. What we have done, in the last two months, is we have had an attorney from the Office of State Police Affairs

assigned to each troop station, and there are five. That attorney is to go to the station to confer with the supervisors, the station commanders, to determine what problems there may be in the areas of search and seizure, consent decree issues, and to advise them to make sure that what they're doing is both in accord with the consent decree and with the law.

We've also, with the assistance of the 21 county prosecutors, been able to provide those same station commanders with a contact person from the respective prosecutors offices on a 24-7 basis for the same reason, principally for search and seizure. We want to encourage the State Police to seek legal counsel before they take certain steps, certainly those steps that are outlined within the decree that are considered law enforcement activities, such as when you ask an individual to step outside of a vehicle, when you are going to request someone to give their consent to search, when you are going to perform a nonconsensual search.

And, if I could stop there for a moment, another area that we believe we have improved is that we -- the State Police, during this last review period, amended another standard operating procedure. There is, within the consent decree, a requirement that before a trooper can request consent, he or she must get a supervisor's approval. And, where practical, that supervisor must be on the scene when that search takes place. What we caught, and I will say the State Police caught, was that the consent decree did not have the same mandate for nonconsensual searches, that is, ones based on probable cause. That has been rectified. Now the same SOP applies for those, as well. And again, that was caught, Mr. Chairman, by the lieutenant in the State Police who believed that that should be done.

In field operations, the principle difficulty we have today is we have so many reports, so many numbers, we need to make sure we are -- we have sufficient supervisors to do an adequate review.

In terms of the Federal monitors, we confer with them, not just when they come for their visits or not quarterly or semiannually. We confer with them almost weekly. We must run these SOPs passed them for their approval, and we do. We also seek their advice in certain areas in the hopes that we will be able to come into compliance.

Another area of field operations that we noticed there was a problem is -- it was not that the State Troopers were not filling out the certain mandatory reports -- they were filling out too many. They actually were overdoing it. They actually were filling out reports on nonconsent decree stops, principally because they were concerned about getting in trouble if they didn't. But what that resulted in was an undue and unnecessary number of reviews by supervisors of nonconsent decree stops. And with the advice and the permission of the monitors, we're going to see that they don't have to do that anymore and that they focus on those issues that they should be focusing on.

In the area of Internal Affairs, I did want to comment, certainly, about that. As you are well aware, one of the criticisms of the monitors was that there was a tremendous backlog. That backlog became the study by the Office of Government Integrity, which I won't go into in detail here, except to say that if there were mistakes that were made because of that backlog, it was because there was too much detail. It took too long for these to take place, because they were going over and over and over these cases. We have not

sacrificed efficiency for speed, but I'm pleased to say that the backlog has pretty much been cleared up.

The monitors are very satisfied, and noted it in their last report, with thoroughness of the investigations conducted by the Office of Professional Standards, which is the IA bureau, with the detail with which those investigations have taken place. And yes, have we seen complaints that are without basis? Yes, we have. We most certainly have. Have we seen complaints, perhaps, that have a motive that is not pure? Yes, we have. And OPS has worked as quickly as it can to separate the wheat from the chaff and to -- because that's not fair to the trooper, regardless of what it is.

But, in addition to the OPS review, Mr. Chairman, the Office of State Police Affairs has investigators that are not attached to the State Police, but to the State Police Affairs, who can and do conduct simultaneous and independent investigations. In other words, if a complaint comes in, the Office of State Police Affairs, in effect, has concurrent jurisdiction. But we may also exercise our right under the decree to remove the case from OPS, if we believe there is a conflict, and conduct the investigation ourselves. We have done this -- OPS has done this -- excuse me, Office of State Police Affairs has done this, on numerous occasions. This is not to slight the professionalism of OPS, but merely to point out that this is a safeguard that is brought into play by the decree, and will continue.

ASSEMBLYMAN PAYNE: Can you clarify something?

ASSISTANT ATTORNEY GENERAL MANAHAN: Sure.

ASSEMBLYMAN PAYNE: You say that the Office of State Police Affairs exists now to investigate. Tell me what--

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes, the Office of State Police Affairs has many duties, and principally the duty of oversight. But in the area of Internal Affairs investigations, the consent decree permits the Office of State Police Affairs to conduct its own investigation of the complaint, or a simultaneous investigation, with OPS, Office of Professional Standards, which is the State Police.

There have been instances where the Office of State Police Affairs has taken over an investigation, principally where there's a potential conflict. And those investigations, whether they're conducted by the Office of State Police Affairs or the Office of Professional Standards, OPS, have been determined by the Federal monitors, who review all the files, to be thorough and complete. And that's a matter of public record.

ASSEMBLYMAN PAYNE: Give me an example of-- The Office of State Police Affairs is within the Attorney General's Office, correct? Both of them are, aren't they?

ASSISTANT ATTORNEY GENERAL MANAHAN: Well, technically, yes, because the Division of State Police is within the Attorney General's Office.

ASSEMBLYMAN PAYNE: Okay. So, the Office of State Police Affairs is in the Attorney General's Office. And they -- oversight, etc. They conduct certain kinds of investigations of complaints.

ASSISTANT ATTORNEY GENERAL MANAHAN: Correct. The Office of State Police Affairs was actually created prior to the consent decree, in December of 1999. But it was incorporated within the consent decree.

The principal role of the Office of State Police Affairs is one of oversight, to ensure compliance with the mandates of the decree, which are many, and also to monitor the overall operation of the State Police. But I was focusing in on the areas of Internal Affairs to show that there are safeguards and the sort of checks and balance that, even where the State Police are investigating the matter, the Office of State Police Affairs can conduct their own investigation, as well, or an independent investigation. And that has been done.

ASSEMBLYMAN PAYNE: The Office of Professional Standards, now, is separate and apart from the Office of State Police Affairs, correct?

ASSISTANT ATTORNEY GENERAL MANAHAN: That's correct.

ASSEMBLYMAN PAYNE: The Office of Professional Standards, or OPS, is also located in -- where?

ASSISTANT ATTORNEY GENERAL MANAHAN: It's actually located in West Trenton in a different facility.

ASSEMBLYMAN PAYNE: But in the-- What Department is it?

ASSISTANT ATTORNEY GENERAL MANAHAN: Well, it would be under the Attorney General.

ASSEMBLYMAN PAYNE: Both of these.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes, but that's part of the State Police. OPS, Mr. Chairman, is the Office of Professional Standards. Those are members of the New Jersey State Police. That's the IA Division, as it used to be called, Internal Affairs Division --

Internal Affairs Bureau. They're physically located in a different building as a recommendation of the consent decree.

So they conduct the vast majority of these Internal Affairs investigations. But if there's a conflict, the Office of State Police Affairs -- they're independent investigators. They also can and do conduct the investigations.

ASSEMBLYMAN PAYNE: I'm just trying to understand. The OPS is the Office of Professional Standards, which you said replaced-- What was it before? What was it called?

ASSISTANT ATTORNEY GENERAL MANAHAN: It was the IA Bureau, Internal Affairs Bureau, IAB.

ASSEMBLYMAN PAYNE: Okay. All right, fine. And the OPS does-- Tell me, once again. Take me through this. Their responsibility is to do -- what now?

ASSISTANT ATTORNEY GENERAL MANAHAN: They conduct Internal Affairs investigations.

ASSEMBLYMAN PAYNE: Okay. And the Office of State Police Affairs has oversight over the State Police and oversight over the compliance with the consent decree and overall operations of the State Police.

ASSISTANT ATTORNEY GENERAL MANAHAN: That's correct.

ASSEMBLYMAN PAYNE: And both of them, however, are in the Law and Public Safety Department.

ASSISTANT ATTORNEY GENERAL MANAHAN: That's correct.

ASSEMBLYMAN PAYNE: Okay. Are they on the same level? Where are they? For instance, you have-- And do they have different powers? You say-- Which one can take the investigation away from the other?

ASSISTANT ATTORNEY GENERAL MANAHAN: The Office of State Police Affairs can remove the investigation from the State Police.

ASSEMBLYMAN PAYNE: From OPS.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes.

ASSEMBLYMAN PAYNE: Both of them are in the Division of State Police.

Why don't you explain their structure?

ASSISTANT ATTORNEY GENERAL FINKEL: The Office of State Police Affairs is independent of the State Police -- that is in the Office of Attorney General and has oversight. The Office of Professional Standards is the IA Bureau in the State Police.

ASSEMBLYMAN PAYNE: In the State Police. Oh, okay. Fine.

ASSISTANT ATTORNEY GENERAL FINKEL: And so there's an independence there in the Office of State Police Affairs.

ASSEMBLYMAN PAYNE: Okay, all right. Fine. Who heads the Office of State Police Affairs?

ASSISTANT ATTORNEY GENERAL MANAHAN: I do.

ASSEMBLYMAN PAYNE: Okay, very good. And the OPS is headed by?

ASSISTANT ATTORNEY GENERAL MANAHAN: Right now it's Major Brennan. Joseph Brennan is assigned to head OPS.

ASSEMBLYMAN PAYNE: A major.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes.

ASSEMBLYMAN PAYNE: And you're not a-- You're a director.

ASSISTANT ATTORNEY GENERAL MANAHAN: I'm a director, yes.

ASSEMBLYMAN PAYNE: Okay. Do you have people within your Department who also are troopers, etc.?

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes. I'll give you the breakdown. Presently, the Office of State Police Affairs, in addition to myself as the Director, there's a Deputy Director, Mamta Patel. She's an attorney, as well, Deputy Attorney General.

We have, in addition to Ms. Patel, five other attorneys that are presently assigned to serve as counsel. They have many duties. One, I mentioned before, is they are advisors to the State Police at particular stations. But they also are, in a manner of speaking, the prosecutors of Internal Affairs matters. When discipline is brought, they present the case. So, that's part of their role.

In addition, we have investigators who are of the Division of Criminal Justice, assigned to the Office of State Police Affairs. They have varied roles as well. But, principally, what they do is they review IA investigations, every one of them, regardless of who conducts it. And they also do independent IA investigations. They also oversee other areas of consent decree compliance, including training. They're involved in that matter.

And we also have three members of the New Jersey State Police Division of State Police, who are permanently assigned: a lieutenant and two sergeants, who work as intermediaries between the Division of State Police and

the Office of State Police Affairs, but also are involved in consent decree compliance. In fact, it was the lieutenant who is assigned to OSPA, Lieutenant Peters, who made the observation I mentioned earlier, about the fact that there was no SOP for nonconcentual. So they serve a vital role as well.

That's it.

ASSEMBLYMAN PAYNE: Thank you.

ASSISTANT ATTORNEY GENERAL MANAHAN: If I could just move quickly. I talked about IA and field operations. Again, there's progress that can be and should be made in both of those areas. And we will strive to do that.

In regard to the training component, it was recognized by both the Division of State Police, certainly by the Attorney General, and certainly by the Department of Justice, Civil Rights Division, that there was not adequate training given to members of the State Police, particularly in certain areas such as ethics, search and seizure, and cultural awareness and cultural diversity. As such, there are mandatory courses that are given each year on those subjects, and they're updated each year.

What we did most recently was, in order to make sure that the courses had some meaning and some context for the State Troopers, we, of course, asked for their input after they took the courses. From that input, today, for example, in our cultural awareness course, we have added such things as verbal judo, which is basically roadside manner. We have used videotapes from the State Police to demonstrate the good and some of the conduct that, perhaps, could be improved. So we use the videotapes of the State Police to help show what's good, what's bad, and how they can do better.

We also have added a component, this time around, at their request, as to more about the Muslim culture, particularly after September 11 and the concerns that they may have had, and, of course, an ongoing awareness as to diversity.

ASSEMBLYMAN PAYNE: Where does this--

ASSISTANT ATTORNEY GENERAL MANAHAN: This is given at the police academy at Sea Girt. And it's given to every member of the State Police.

ASSEMBLYMAN PAYNE: How long has that been implemented? I know, for instance, the monitors, from time to time, review your procedures and proposals, etc. And I've read where there's been -- often give you very positive kinds of responses to the proposals. And we read in the papers where the Federal monitors praise the State Police, etc. But I think that there's a difference between the proposals of how we're going to address these things and whether or not they've been implemented, and whether or not, in fact, there's been enough time to implement them. And I just don't want the people to become confused about the fact that the plans are excellent, but we simply have not had enough time to implement all these things.

One of the major problems, I think, that we've had in the past at a lot of these stops is that there seems to be a lack of understanding, cultural understanding, of the diverse population we have in the State of New Jersey. In other words, some of the people who seem to be attracted and drawn to or recruited into the organization had very limited exposure to other people, other cultures, etc. And, therefore, often this kind of lack of exposure to other

cultures -- understanding of them -- came out in the manner in which many of the people were treated when they were stopped.

And I think-- I don't know whether recruitment comes into play here, or whether or not there's psychological testing or anything like that. But a lot of this can be avoided, I think, if the people that we're recruiting to become officers understand, number one, what we're all about. Number two, we have to change the culture, I think. I've heard, from time to time, about the culture of the organization. I've heard that it's a paramilitary, and that's fine.

But, it seems to me, that some of the limitations have been caused by the lack of experience with other groups that some of the troopers have had, etc. And I note here that you're talking about the training in order to cure that. How effective has that been, or how long have you been doing this in order to see whether or not-- Is there anything you can measure as to whether or not the kind of training, to develop open-mindedness and understanding of other groups--

ASSISTANT ATTORNEY GENERAL MANAHAN: In answer to your question, Mr. Chairman, the training has been going on for almost three years. And you make a very good point. There's one thing to come up with a program or a process for compliance -- the second part is the implementation. And each of the tasks within the consent decree have two facets to them -- most of them do, anyway. One is to develop policies and procedures, and the second is the implementation of those policies and procedures.

It is in the second part of the task that we have had some difficulty, and I think it's mostly the product of time -- it's not the product of effort or direction.

ASSEMBLYMAN PAYNE: Sure.

ASSISTANT ATTORNEY GENERAL MANAHAN: In terms of your-- I think you didn't use the word recruitment, but I think you meant to talk about recruiting, if you didn't use that word.

Yes, the Office of State Police Affairs is involved in issues as to recruitment. We review applicants to determine whether they're qualified. But we also work with the State Police to make sure that they are recruiting in the broadest possible area to make sure that, to use a well-worn phrase, the Division of State Police looks like the people they serve. And that is taking place, and that is part of the change that is taking place, and a positive one.

I also want to point out, if I may, that the consent decree is scheduled to terminate in December of 2004, but will terminate only with the approval of the Federal court. So, there's not-- While there may be a sunset provision, it's not -- we don't tell you when it's sunset. The court tells us when it's sunset.

ASSEMBLYMAN PAYNE: It can end earlier, too.

ASSISTANT ATTORNEY GENERAL MANAHAN: And it can continue.

ASSEMBLYMAN PAYNE: It can also-- If it's determined that we've been making tremendous progress, etc., then the consent decree can be lifted before that time, too. Is that correct?

ASSISTANT ATTORNEY GENERAL MANAHAN: It could, but-- Yes, it can. And there's a provision built. We must be in compliance with all of the tasks for two years before that can happen. Candidly, I don't see that will happen. And, again, not without -- not because there's been a lack of effort or direction. I think this proved to be more onerous than was thought.

ASSEMBLYMAN PAYNE: Understandable.

ASSISTANT ATTORNEY GENERAL MANAHAN: So there is that provision. And, of course, there is-- We have an adversary in this, which is the Department of Justice, Division of Civil Rights. And they certainly will have their say as to whether or not a consent decree should be lifted, either in total or in part.

The other area I wished to speak about was MAPS, which is this early warning system. When I became the Director a few months ago, I will tell you that this was the most difficult area for me to get my arms around. And maybe, because I'm not quite computer phobic, but I'm not computer literate that--

Again, the State Police are operating in uncharted waters here. There is no early warning system program like this in the United States. The State Police could not look elsewhere to see where they could mimic or capture the same--

The city of Pittsburgh has a program known as PARS, P-A-R-S is the acronym. One thing I learned in this job, Mr. Chairman, is there are a lot of acronyms you have to know.

ASSEMBLYMAN PAYNE: Right. (laughter)

ASSISTANT ATTORNEY GENERAL MANAHAN: Pittsburgh, also, has been operating under a consent decree -- both the city of Pittsburgh and the Pittsburgh Police Department, which, by the way, was just lifted almost totally.

Their computer system apparently works very well. It's been approved by the Federal monitors for monitoring their compliance. But when we looked at it, it didn't quite match up with what we're doing. The MAPS program is intended not so much to be a one-stop shopping, but to provide information at every supervisory level, from the sergeant up to the colonel or the superintendent of the State Police, as to the activity of the State Police, not just on the roadway, but as to all activity -- the field operations units and, certainly, the road troopers. It's intent is to provide a basis for review, on an ongoing basis, of the conduct of individual troopers, squads, stations, many different ways.

It's a work in progress, and we are making progress. But I'm here to say that that will take time. In a meeting with the monitors on Monday morning, I advised them that I thought that it would be unrealistic to have this program up and working, and to be working in a meaningful way, the way that was intended, much before the middle of next year.

Again, the point of that program is to provide some type of early warning system, but it's also meant to identify those State Troopers who are doing exemplary work -- the workers and the people who are doing the job. And so we must be very careful, when we're teaching supervisors to go over this information, that they don't misrepresent what the troopers in the field are

doing one way or the other, the good or the bad. But it will be working. The State has invested well over \$1.5 million in this effort to move this along.

ASSEMBLYMAN PAYNE: You mentioned before two phases, I guess the design and the implementation of a lot of these recommendations. I note that in the consent decree, it mentions that within 180 days, following entry of this decree, that the State will develop a plan for design and implementing the MAP -- including use of MAP, a timetable for implementation, etc.

ASSISTANT ATTORNEY GENERAL MANAHAN: We're well out of time. And, again, not to comment on anyone who went before me, or came before me, I will say that it was entirely unrealistic. It has been recognized to be unrealistic by both the Department of Justice and by the Federal monitors. They are very willing to work with us. They want to see this system work. And if it takes four years to do it, then that's what it will take. But we want it to work.

As I said, one of the difficult aspects of this is it's not the retrieval of the data or the entry of the data, it's the interpretation of the data. And we've got to be very careful that it's done correctly. So, that is something that--

There's a training component to this that once we get it up-- It's like we're building a plane, and we have to train the pilots at the same time we're building the plane. But we're not sure what the plane is going to look like. It's a little difficult.

ASSEMBLYMAN PAYNE: See, I think that's a very important point, because we have read, and I have read, reports that when the Federal

monitor and the Justice Department reviews the proposals, reviews, for instance, this proposal for MAPS, as an example, we get high rates. We get high praise for it. They review the proposals and say this is excellent. And what has happened is that some people have come out and said, "See, we're doing a great job because even the Federal government says we're doing a great job." And I want to make it clear that, as you said, there's two phases to this thing. And it's not the implementation-- The results are not necessarily there. And, obviously, in this case, where we're talking about a very high-tech area, the results are not there yet. So, it's really kind of, sometimes, disingenuous for some people to say that, "We're doing a wonderful job. You read the report in the paper that said the Federal government even said we're doing a great job." And I read it, and I say, "Yes, it did. It said that the proposals that we have come up with are magnificent." Now it's a matter of being able to find out when and if what we recommend is able to be implemented and when it begins to have an impact on the Department itself.

The same thing with the training, for instance -- with the diversity training and all that other kind of business. The fact is, it takes a while to filter down through 2700 people in a force like this. It's going to be a while. I hope that we'll be able to begin to see the results of the diversity training, and etc.

It's more important-- For instance, a governor once said, "New Jersey and you, perfect together." And I'd like to see people perfect together. But I'd like to see people understand each other and be able to accept each other's differences, etc. And that's been one of the things that's been lacking, I think, in the past.

I think we have an excellent -- I think we have a very, very good plan on paper. Some of it's being implemented. As you say, there's a lot that needs to be done. I really have a lot--

I know that you're from Union County. And I know that with you being there -- I know that if it can be done, it will be done. And we're looking forward to it and making sure that this consent decree does, in fact, do what it's -- we hope that it will do in the final analysis -- and that is, develop a police force that we're all very, very proud of and feel a part of.

ASSISTANT ATTORNEY GENERAL MANAHAN: Thank you, Mr. Chairman.

I just would conclude by saying that there is work to be done. One more time, it is not the position of the Attorney General of this State that this is the be all and end all or that this is all that may be needed. It's a dynamic process. We will make change that is necessary to make the Division of State Police the finest in the United States of America. And we've made some strides, but we're not there yet.

ASSEMBLYMAN PAYNE: Thank you.

Yes, Assemblywoman Cruz-Perez.

ASSEMBLYWOMAN CRUZ-PEREZ: Just a real quick question.

You kept talking about a component -- a training component. Can you explain that to me? What kind of training?

ASSISTANT ATTORNEY GENERAL MANAHAN: Sure. There are various-- There's mandatory training by virtue of the decree. And what I mean by that is that the decree states that within a certain time frame, an annual basis -- semi-annual -- the State Police must receive training on cultural

awareness and cultural diversity, which we have to carry out on ethics, on search and seizure. And that's in addition to a lot of other mandatory courses that are required by the Attorney General: domestic violence, things of that nature. So, that's the training. That's the piece of this.

The point is, and I think the Chairman has made this point, that to effect a sea change in the way, perhaps, certain troopers think and how they view the public that they serve, and to be more aware of how their conduct can be harmful in some instances--

So, training is an important component, and it has to be ongoing. And this is certainly an area that, well beyond the consent decree, the State Police will continue in the various areas.

ASSEMBLYWOMAN CRUZ-PEREZ: So what you're telling me is that every State Trooper in the State of New Jersey is mandated to take this training?

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes.

ASSEMBLYWOMAN CRUZ-PEREZ: Since the consent decree became mandatory for the Department of State Police, do all of the police troopers have to take this training -- or they're in the process of taking the training?

ASSISTANT ATTORNEY GENERAL MANAHAN: The answer is yes, and yes. Yes, some have completed the training in the first phase. Some have completed some of the second-phase training. And it will be completed over a period-- It's ongoing because you can't train them all at once, so you would bring them in.

ASSEMBLYWOMAN CRUZ-PEREZ: Who is offering this training?

ASSISTANT ATTORNEY GENERAL MANAHAN: The Division of State Police. We had the Cultural Awareness Program -- Cultural Diversity Program was taught by the Anti-Defamation League. We have other lecturers from the outside that come in and deal with this training. The ethics-- There's a professor that was hired to teach ethics outside of the State Police. Search and seizure is taught principally by members of the Division of Criminal Justice, on an ongoing basis.

We've also, in terms of ethics in search and seizure, we -- the State Police rather, have prepared a CD-Rom so that troopers can continually get updates in those areas, both in ethics and in search and seizure. So that's what I'm saying. It's an ongoing process.

ASSEMBLYMAN PAYNE: Excuse me. How long have you been in this position?

ASSISTANT ATTORNEY GENERAL MANAHAN: July 29 I started. (laughter)

ASSEMBLYMAN PAYNE: I wanted to ask the reaction and the receptability on a part of current members of the troopers -- State Police. What's the reaction to this business about the training on -- even with the Muslims, or whatever? What's been the reaction? Is there resistance or are they with open arms? What's the reaction of the people on the ground as to whether or not it's necessary to have this, or what have you? What's the reaction of a lot of the people that have been there for a while?

ASSISTANT ATTORNEY GENERAL MANAHAN: I'll start by saying each course requires, after it's given, that there be feedback, literally, comments given by the participants. And they have to do that, and the comments have been generally favorable. I can say, and I'll speak only for myself, I promised, when I got out of law school, I really wasn't going to sit in the classroom too much more if I didn't have to do it. But, yet, I did attend continuing legal education courses.

I think part of that is that they're in the classroom maybe more than they would like to be. But I don't think it has anything to do with the subject matter. I think that's the only feel that I get -- is that they, perhaps, would rather be out -- not be in a classroom, but not because it's cultural awareness or ethics.

In fact, I think it's been much welcomed. And I don't-- It's difficult to put your finger on a pulse and say, "Look, this is a tangible result of all that training. We've seen this. We've seen that." I think that's over a matter of time. But my answer is, it's been well-received.

ASSEMBLYMAN PAYNE: In the final analysis, I think that whether or not a person-- If this is part of the job requirement now, and it wasn't in the past-- Whether or not a person likes it or not, and they're required to do that, they have to do it. And as long as it shows-- As long as they follow the rules and regulations, etc., that are being set up now, whether or not their own personal feelings are -- they don't buy it, it's up to them. So there needs to be constant monitoring and supervision. As you say, there's spot checks, etc. I think we need to implement that.

I've heard from some representatives of the organizations that these regulations are going to make our guys not want to do their job or be afraid to do their job, they're going to be worried about people looking at them and doing all those kinds of things. I don't buy that. I've said this repeatedly, I think people are good-natured and that people are out there to do their job, and they're not going to shirk their responsibilities simply because they're now being asked to do that which is the right thing to do. And I have a lot of faith-- I have far more faith, I think, in a lot of our people in law enforcement than other people seem to have. I know that the majority want to do the right thing. And I think that with you at the helm there and your responsibilities -- I think we can begin to see some positive results. But, again, I wanted to make it clear that we know that their time has not been long enough, that we have to wait to see the effects of what this consent decree is all about.

I thank you for coming today.

ASSISTANT ATTORNEY GENERAL MANAHAN: Very well.

ASSEMBLYMAN CRYAN: I have a question.

ASSEMBLYMAN PAYNE: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thanks for coming.

I have to tell you, as someone who represents Union County, the confidence level and having you there, based on your performance as a Union County prosecutor, is something-- Not only your reputation precedes you, but I know it's going to be enhanced by your performance here. It's a great pleasure to have you here in that respect.

ASSISTANT ATTORNEY GENERAL MANAHAN: Thank you.

ASSEMBLYMAN CRYAN: I wanted to ask about some specific numbers, in terms of field operations and Internal Affairs, as a result of this document published yesterday, if you could help me with that.

In the area of consent searches, the data that -- and if I'm off or out of line here, you can just tell me. But I'd like to-- We do look at numbers in terms of a gauging of whether it's a success or not. But at least we can interpret it. My understanding is that we've gone from 59 consent searches in the past six months to 20 in this reporting period. Is that correct?

ASSISTANT ATTORNEY GENERAL MANAHAN: That's correct, yes, sir. That's Division-wide, by the way. That's the entire State of New Jersey.

ASSEMBLYMAN CRYAN: Division-wide.

This find rate data where-- What I'm actually going to ask you to do is to -- 40 percent for whites -- 46 percent for whites, 40 percent for black drivers, and 75 percent for Hispanics. Could you enlighten me a little bit on what that means?

ASSISTANT ATTORNEY GENERAL MANAHAN: Well, the find rate is if you were to ask an individual for permission to search, or if you didn't ask the permission but believed you had probable cause to search, whether or not you found weapons or drugs. That's what a find rate means. So, 46 percent is a little less than half of the time. A trooper's hunch or reasonable -- I shouldn't say hunch, that's wrong -- reasonable suspicion or belief that he or she had probable cause is what that means.

ASSEMBLYMAN CRYAN: Okay. So, we see consent searches -- I mean, literally from 60 to 20.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes.

May I just -- because I -- a lot of people have commented upon that. I think there could be a number of reasons for that. But one must keep in mind that there has been a change in the law as to consent searches, which I know everyone is very familiar with. If you're not, it's that, before, one could request consent to search without having a reasonable, articulable suspicion or any other-- Of course, this has been the subject of a great deal of discussion as to its abuse or potential for abuse.

Now a State Trooper must have a reasonable, articulable suspicion before he may request consent, or she may request consent, to the search of a driver or an occupant of the vehicle, or even an individual on the street, by the way -- and must then obtain the approval of a supervisor before they can go ahead with it. And, where practical, if it's on the road, have a supervisor on the scene. I think those factors -- the more stringent legal standard, the supervisory standards have worked to reduce a lot of the request for consent. I think it's made the troopers, frankly, much more thoughtful in terms of how they go about their job.

ASSEMBLYMAN CRYAN: So, the change in procedures and the changes in training, in your opinion, have led to a reduction in the amount of consent searches but made them more effective. Would that be correct?

ASSISTANT ATTORNEY GENERAL MANAHAN: I believe they're-- I think they probably are more effective. I think the numbers show they're probably more effective. But I think those are among the factors: The change in the law, as I said, and the change in the process. They have worked to reduce the numbers.

It may also be that some of the troopers are less inclined to ask for consent because they may be concerned that it will be a problem or they'll get in trouble. I mean, I will be very blunt with you. That could be a factor, too. But we'll have to watch that over time and see. Maybe that's the real number or maybe-- It's hard to say.

ASSEMBLYMAN CRYAN: The second area I wanted to ask about, because you talked about field operations and Internal Affairs-- I just want to get some of these numbers straight, just so I understand. During this reporting period, you completed 468 internal investigations and opened 263.

ASSISTANT ATTORNEY GENERAL MANAHAN: Correct.

ASSEMBLYMAN CRYAN: These are correct?

ASSISTANT ATTORNEY GENERAL MANAHAN: Correct.

ASSEMBLYMAN CRYAN: Could you talk to me about this review, because I was concerned about some of the previous testimony, or whatever you call it? A review of 213 completed investigations indicated that all were complete and in accordance with established standards and practices.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes, that's done by the independent monitors. That satisfaction comes from a review by the Federal monitors of those matters. That's not State Police Affairs or the State Police being satisfied with themselves. That's the Federal monitors being satisfied.

ASSEMBLYMAN CRYAN: And they looked at 213 of 468.

ASSISTANT ATTORNEY GENERAL MANAHAN: Correct.

ASSEMBLYMAN CRYAN: Okay. And clearly, you've indicated you've got issues here with MAPS and some issues with training that you've identified.

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes.

ASSEMBLYMAN CRYAN: Okay. Well, I have one other area I'd like to ask about.

What enforcement practices do you have as part of your office? One of the bills we are considering-- Let me put this question in the context that I just want to understand. We are considering a bill next week that may add some additional oversight to the State Police. In fact, it may add an office of an independent prosecutor. And we'll consider that and debate that on Monday.

But can you edify for me, or at least have me understand-- I'm not asking whether you're familiar with the bill or not. But I do want to understand your powers and your independent process, as opposed to what may be there as a result of the potential under this new bill. Could you take me through that?

ASSISTANT ATTORNEY GENERAL MANAHAN: Okay. I am familiar, somewhat, with the proposed legislation. I'm an Assistant Attorney General. I answer to two individuals in the Attorney General's Office, First Assistant Peter Harvey and Attorney General Samson. I am charged with the responsibility of the oversight of the State Police, to review all aspects of the State Police. I certainly have supervisory control over them. If I believe that there is something that's afoul, I am charged with -- I not just can, but I must, step in and investigate. And we've done that in certain areas, some of which

I cannot speak about here today. But we've done that -- where allegations have been made about members of the Division of State Police. We have followed through on that.

So, oversight, I think, is the word. But we are-- I am charged, as I said, with the responsibility of making sure that the State Police do the job that they're supposed to do. And we can do everything from bring our own Internal Affairs investigation through members of the Office of State Police Affairs. We can refer matters to the Division of Criminal Justice if we believe criminal activity is taking place. To add a layer to that, certainly while the consent decree is in effect, maybe even beyond, of course, we have to answer to the Department of Justice, Division of Civil Rights. They oversee everything that's done, as well.

I don't know if I answered your question, but there are certain layers right now. And we also have, within the Office of the Attorney General -- I know you're familiar with that, I referred to it earlier -- the Office of Government Integrity, which we have also referred some matters to, where we believe the Office of State Police Affairs may be in conflict or that it's a matter that's more suitable for that entity.

One of the areas, and this was before I became director -- was in the area of Internal Affairs backlog, which I referred to earlier. The Office of Government Integrity investigated that to make sure that there was no problem.

So, I think that if the opinion you seek from me is, is there sufficient oversight or direction, I will say, not just because it's me, but I would have answered yes, in the affirmative, to that. That's not to say that things

couldn't change, hopefully, if an event occurs where that's proven not to be so. But, as I sit here today, that would be my answer.

ASSEMBLYMAN CRYAN: Has the monitor noted improvement in each of the six reports?

ASSISTANT ATTORNEY GENERAL MANAHAN: Yes. You see, there have been areas where there was improvement and then -- I don't want to refer to it as backsliding -- maybe not the same level of improvement in the next reporting period. And, to be perfectly blunt, that has to do with an approach based on trying to do this in a timely manner that can best be described as a triage approach -- try to take care. If there seemed to be a deficiency in training, the resources were thrown there, maybe to the detriment of another aspect of the consent decree.

What we are engaged in today is a methodical approach that's not married to a time frame, necessarily. It's married to results, married to getting the job done the way it's supposed to be done. And I think this is a more effective approach to bring about compliance.

ASSEMBLYMAN CRYAN: Thank you.

ASSEMBLYMAN PAYNE: Thank you very much.

There was a consent decree at one time before, was there not, in the State of New Jersey? Did we enter into a consent decree at some time in the past that you know about?

ASSISTANT ATTORNEY GENERAL MANAHAN: I'm not familiar.

ASSISTANT ATTORNEY GENERAL FINKEL: I believe there was, but I'm not up on the details.

ASSEMBLYMAN PAYNE: Okay, sure. During our hearings, we learned that there had been. And when that decree was lifted, recruitment slipped, and we weren't doing the kinds of things that were going on while the State was under this consent decree. So, during that period of time, there wasn't-- Many of the improvements that had begun to be made stopped, and we retrogressed, in other words. And so now we are, again, under a consent decree.

One of the reasons, and you touched upon it -- one of the reasons why legislation that I've -- it's been mentioned that I'm authoring -- is because, at the present time, there's a consent decree that is in effect. But, when that's lifted, we want to make sure that the improvements that we're talking about, such as an independent prosecutor, are codified, that they, in fact, would be there. It would not be at the whims of whichever administration or whichever AG happens to be there. So we feel it's important.

These things, as I've said in the past, came about because of decades of practices that should not have taken place anyway. And so, we're at a situation now. It's my hope that the independent prosecutor legislation will, in fact, pass, but that it will work itself out of business. I hope that down the line we won't have a need for that.

But I think that it can be understood that the reason for these proposed pieces of legislation is because of the conditions that exist for many, many decades. And during the period of time that the consent decree was lifted, we, in fact, did slip backwards. That's been one of the concerns that we have had.

I want to thank you very much. As I said before, we're here for enlightenment, and you have helped to enlighten us a great deal. I'm encouraged by your being in the position that you're in, because I think that we can look for some positive kinds of improvements that we so sorely need.

Thank you very much.

ASSISTANT ATTORNEY GENERAL MANAHAN: Thank you very much.

ASSEMBLYMAN PAYNE: I think we have one more person to testify. Is Dave Jones here from the STFA, State Troopers Fraternal Association?

Good morning. Would you identify yourself and your organization, and you're an aide-de-camp.

**DETECTIVE DAVID JONES:** A supervisor, actually, sir.

ASSEMBLYMAN PAYNE: Oh, okay.

DETECTIVE JONES: Good morning.

I'm David Jones, Vice President with the State Troopers Fraternal Association. This is Sergeant Stephen Sternik, with the State Police Noncommissioned Officers Association. Together, we represent 2500 of the 2700 members who are enlisted in the State Police.

I thank you, Mr. Chairman, for your time, and members of the Committee.

Earlier today, sir, you asked a question to one of the other men testifying as to whether or not there was a light at the end of the tunnel and if it was an oncoming train. We truly believe that that light at the end of the tunnel is the dawn of a new day. There was some well-founded criticism

against the State Police, having to do with issues which have been before this and other Committees over an extended period of time.

We have addressed them. We've dealt with the consent decree. We've dealt with those mandates that both this legislative body, the people that we serve in the Federal government have put on us. And we feel that we have a good record of success, that we're moving in the right direction.

Just to clear up a point: Over 20 years ago, there was an issue that had to do with hiring. The people in the State Police, as was the case in a large number of police and fire departments throughout the country, had a disproportionate representation of females and minorities. Ourselves, as well as many other agencies, entered into an employment consent decree, the purpose of which was to, again, be better reflective, and that dealt with a multitude of issues.

We successfully met the number that the Federal government had put on. I believe it was 14 percent at the time. And that's why that decree was removed. It wasn't because we were doing anything wrong or we hid. It was because we met the goals of the government. That's over 20 years ago.

For that matter, the State Police is the only agency ever to run an all-female class. When we realized that our strict physical standards were going to eliminate most women, more than 20 years ago, in 1980, we put forward a class that would have only women so that they were competing in and amongst their pairs and not with males.

That has recently manifested itself in a female lieutenant colonel being appointed in the last round of promotions. I think it's important for

people to realize that. We recognize that we are public servants. We recognize that we have a very critical balance.

This morning, a gentleman, who at one time called Camden home, who had gone underground in Washington state into Tacoma and had, we believe, a significant role in the sniper shootings in Washington, D.C., was arrested with New Jersey tags.

We, as an agency, realize that bad guys, criminals, terrorists, call them what you like -- that they don't recognize political subdivisions. They don't recognize boundaries. And for years, our ability to interact and interdict with people who are traveling our highways and byways was done with the belief that it was going to be in the best interest of the public. Clearly, some of the anecdotal conversations and some of the heart-felt testimony by people over the last two-and-a-half years have indicated that if, in fact, that was our goal, it was at the constitutional expense of many of the members of our society. And we all recognize that there is three components to that. There's life, liberty, and the pursuit of happiness. And clearly, without life, your liberties and your pursuit of happiness are nil.

But while we were busy protecting life, public interest, and public property, if we found ourselves in an area where those liberties, those detentions, those unwarranted stops, or those criminal profiling issues became racial profiling issues, then we're wrong. And that's my mea culpa, and we're going to move forward from this day on.

What we've done successfully with all of these programs is, we've found ourselves on the cutting edge. What Pittsburgh and other cities haven't been able to do -- and Pittsburgh is finally getting under that consent decree,

out of their consent decree, which is much older than ours -- is that we've recognized a problem, we've tackled it head-on, and we will live with no standard less than what everything else in the State Police does, and that is the best possible product. And I will promise you that. That's where my members are going. That's where we hope to be.

On a couple of minor issues, such as MAPS-- The problem with MAPS is that there is no system in place. If I'm assigned to Bloomfield, for instance, on the Garden State Parkway, an area that many people are familiar with, and my regular patrol area is the northern terminus, where New York state and New Jersey come together, as opposed to another trooper who may be assigned to the Newark tolls or the Essex tolls-- If I'm not working rush hour, then my regular interdiction on that highway in North Jersey, just north of the barracks, is going to represent a disproportionate amount of white caucasian members of society, as opposed to somebody working in the Irvington tolls after rush hour, or the Essex tolls, where it's going to be reflective of the communities of Orange, East Orange, Irvington, Newark, and the like. So you can have two people working in the same station, working the same shifts, and when we begin to collect data, there's going to be a disproportionate interaction with members of the minority community as it relates to that station. This is something that there is no real formula for. And that's why we are working through a system right now that will identify those anomalies.

ASSEMBLYMAN PAYNE: Could you stop there for a second, please?

DETECTIVE JONES: Sure.

ASSEMBLYMAN PAYNE: You're saying that that barracks, Bloomfield Barracks, patrols down to Irvington and up to the New York state line?

DETECTIVE JONES: All the way down to Union, actually, sir.

ASSEMBLYMAN PAYNE: Down to Union. Okay, fine. You're right. Going north on the Parkway up to the New York state line, you're going to have fewer and fewer minorities or blacks, etc. But if that -- patrolling those areas that you mentioned down to Union, you're going to have a greater density of minorities there. So you're saying that it skewed the report somehow. Say that again.

DETECTIVE JONES: It's going to skew the numbers. It's going to be reflective.

ASSEMBLYMAN PAYNE: Hit your button again, please. (referring to PA microphone) I'm sorry.

DETECTIVE JONES: Excuse me, sir. It is going to skew the numbers. It's going to be reflective of the constituents in that area, which will not necessarily display itself in a system that doesn't have those kinds of numbers incorporated in it.

We had an anecdotal situation whereby a sergeant was called in. And he was questioned about his disproportionate amount of Hispanic arrests. He had 11 arrests, and they were all Hispanic. What the reports didn't show, what the people didn't know, was that he got called to an area to back up. Ordinarily, sergeants don't engage in the interdiction the same way a trooper would. They would be a supervisor. So a sergeant doesn't necessarily make a lot of arrests. He supervises them. He makes one arrest. It's a van with 11

illegal aliens. And with people not being able to decipher the information, they leapt to the conclusion that here's a guy who may be an issue.

An early warning system is a brilliant idea. It's too long in coming. But the problem with MAPS is that there are so many other issues that have to be addressed that are being looked at right now seriously -- but that there is no perfect formula in, what everyone here knows as, the most diversified state in the country. So, we're dealing with a system that-- I don't know how you're going to have those layers of protection and information included. And that's why they're struggling with it, because they want to do it right. That's just food for thought as to why that level of compliance hasn't been met.

Everything else in the monitors' report -- and the monitors entered this as our adversary, not as our advocate -- everything else in the monitors' report -- those tasks have to be completed. We have to successfully achieve those issues that were put forward before we get a passing grade on them. And, say, for a couple, such as MAPS, we have done that. We have done that successfully. And when you talk about an issue such as Assemblyman Cryan pointed out -- 231 out of 231 randomly assessed investigations were found to be perfect. I mean, that's the Ivory soap. That's 99.44 percent. That's an incredible number. And I would put that number against anyone.

What I do have to beg to differ with the Chairman, respectfully, on is the chilling effect. We've seen, since 1999, a dramatic reduction in the seizures of weapons, in the seizures of illegal drugs, and in arrests, as well as drunk driving arrests. I know this because I represent 18 of the 2500 members that I'm talking about. And there is a chilling effect, and there has been a chilling effect. And the reality is, the impact is, that drunk driving fatalities are

up considerably and that violent crime is up in New Jersey, considerably. And now, fortunately, there is a checks and balance here.

Getting back to my original point, when we start talking about life, liberty, and the pursuit of happiness -- in that balancing act between liberty and life, unfortunately, now we haven't been able to meet that perfect balance.

And I, again, respectfully, have to point out that what I'm talking about, when you talk about the great faith that you have in human nature -- and I thank you for that, and I thank you for, time and again, saying that this is an issue -- this racial profiling issue hasn't been an issue for the vast majority of my membership, but, rather, for a select few who have engaged in an unconstitutional, immoral, and unethical practice.

What I say is that, when the guys are out there and they're saying that they're afraid to make stops, they're afraid to engage in this interaction, because they don't know how it's going to be viewed, and because of the impact on their career-- The reality is in the numbers. Although your insight, if it were correct, would be wonderful, the reality is that the numbers are down, crime is up, victimization is up in New Jersey. Is there a nexus there? I can tell you yes. My members report to me on a regular basis that they're not going to engage in certain activities at the expense of their career, their reputation, their being labeled a racist or a racial profiler. And this isn't supposition. These are hard facts. These are hard numbers.

That being set aside, I do believe that the train is on the downside of the hill. I believe that we will work through these issues where people, again, will recognize that the Legislature, the media, people such as Mr. Buckman will look at the greater good and will achieve that balance. And guys will come

back to having faith in the people who will support them. And we will get there.

We recognize the great work that the Black and Latino Caucus did. We appreciate the light that was cast upon this sin. But we have to balance that against the interest of nine million people in this state. And, as I said earlier, is there anything short of an outright violation that anybody wouldn't have done to capture this madman? And does he require a need -- the use of all agencies and all powers to be, within constitutional bounds, to have him stopped? Luckily, that's worked itself out. And that's the kind of issues that we deal with every day, protecting victims, as well as protecting the ordinary citizen in his pursuits of his liberties.

I thank you. And I'll take any questions.

ASSEMBLYMAN CRYAN: I have a couple.

ASSEMBLYMAN PAYNE: Let me just--

Thank you for your testimony.

You asked whether there's a nexus between the attention that's being cast upon the State Police, because of previous bad practices, and the reduction of stops, reduction of finding firearms, etc. You said that there is a definite correlation between the two -- that there are officers that are reluctant to carry out their duties or responsibilities, because they're afraid of being called a racist or things of that nature. You say there's a definite correlation between the two?

DETECTIVE JONES: There's an absolute chilling effect based upon what has transpired over the last two-and-a-half years.

ASSEMBLYMAN PAYNE: Where -- and I've asked you from time to time-- Where were those same officers -- and I suppose we're talking about people who have been members of the Department or Division for a long time.

And the question I frequently ask is, where were these same officers when they were aware of the practices of racial profiling? And I ask, where were these officers when-- Were they among the 75 troopers who coached Hogan and Kenna, for instance? I think Kenna and Hogan said that after this shooting of the van, they were coached by 75 officers, troopers, on how to answer these questions.

So my question, then, it's a kind of a conundrum for me, is, where were these same people when these very obvious illegal practices were being conducted? I just don't know. It seems to me that we would not be -- and I've said this to you and other representatives -- we would not be in this place where we are if these same troopers, who are concerned about being falsely accused, had stood up to some of the other ones that we have finally found, through testimony, were, in fact, engaging in these kinds of practices that were illegal and based upon the race and ethnicity of the people.

Where were these same people to try to make sure that their cohorts, the colleagues, were not practicing this? Were they not aware of these kinds of practices that were going on? And were they not aware of the 75 troopers that coached Hogan and Kenna? How do we address that kind of a situation?

And also, finally, you do know that the minority community is as concerned about law and public safety as the other community, and that minority communities also would like to have protection and fair justice, etc.

So I just don't know. The question, number one, is where was the reaction of your good guys when, we know for a fact, there was illegal behavior going on? And where are these 75 troopers that coached? I think it was Hogan and Kenna -- they said that they were coached on how to mislead the investigation. I just would like to hear that side of it.

DETECTIVE JONES: First, on Hogan and Kenna, sir, it wouldn't be proper for me to enter into an extended dialogue, because that's the matter of a very serious criminal investigation being headed by the Attorney General's Office. But if you could take a look at Hogan and Kenna and what they said and what they did in the environment that they were in-- Let's find out how accurate that information is going to be as it relates to whether or not there was criminality.

When I arrive at a scene of a shooting where a trooper almost got run over or another trooper is engaged in a fire fight, where I have vehicles literally slamming into other vehicles and blowing up, and I have four injured people-- When I arrive there, or anyone else arrives at that scene, they are going to offer counseling and friendship and support, and those things typical of anybody else involved with such a traumatic event. Whether that constitutes a legality-- I'm sure that it doesn't. I know what goes on with scenes like that. I wasn't at the Hogan-Kenna shooting, but I've been at enough incidents similar to it to tell you what goes on. And because you show up to do your job -- many of the guys off duty -- doesn't mean that there was any criminality, doesn't mean that there was any wrongdoing.

If I tell you to sit down, get a drink of water, and collect your thoughts, that doesn't constitute a wrong doing. That's a friend and a fellow

trooper. If I say, "I'll take care of the people who are injured so that you don't have to deal with that event, so that you're not going to be further traumatized, or so that the individuals aren't further afraid of the person who they think shot them," is just good police work

I think we're way over the top when we suggest that there were 75 co-conspirators. Hogan and Kenna said what they had to say, and I'll leave it at that. But that matter will work itself out. And if there are culpable bodies who interfered with the investigation, I say off with their heads. But if there's not, let's not leap to the conclusion before we do a full and thorough investigation. Kindly, I submit that.

On the matter of where these other troopers were over the years while these incidents were taking place-- I know what went on in the locker room, and I know what went on in the street. And most of the guys were out there interdicting criminals, seizing weapons, returning stolen cars to their owners, and locking up bad guys. And were there a handful of people out there who were engaged in a practice-- I said it before, and I'll say it again, absolutely. Clearly, the numbers show that there were a handful of people who engaged in a practice, again, that was clearly wrong.

But when we start talking about numbers, and we talk about, as you said, people of the minority community being concerned about this-- When Mr. Buckman was up here doing his rant on the *Soto* case, where he had a couple of college students trying to put together a statistical analysis-- The Department of Justice looked at that and said, "Hey, what is going on here? Why don't we take an empirical data study being done by scientists and researches and find out what the true number is?" And when we had the

anomaly of 40 percent of the stops in the Moorestown area involving members of the minority community, black, Hispanic, and the like-- Why was that number there?

Well, an independent third party whose goal, whose motivation was to try to support or find fault with the way we did things -- that's why those numbers were off. You know what they turned around and said -- because these are the egregious violators, and these violators are in exact proportion to what the stops were.

So there really wasn't an insidious reason behind it. It was a statistical anomaly based upon their own culpability, the own behavior of the motorist. And there's different reasons for that. And later on, when it was done scientifically, it was outlined. And not only did Mr. Buckman fail to point that out, what he also failed to point out was the most critical thing in the back of that report says that we also took a look at who's dying in crashes, who's dying in car accidents. And, disproportionately, it was young, black males who were being killed, the same people who have the highest rate of victimization for violent crime in New Jersey.

And what the report said -- this should be maybe like the tobacco ads. This should be something where we should go into these communities and say, "Do you realize that because of the rate of speed you're driving at, or not wearing your seat belt, or for a plethora of other issues, you're dying disproportionate to the amount of people in the State of New Jersey who are usually involved with fatal vehicle accidents?" And that was a recommendation from this, again, independent scientific research company, whose credentials were beyond reproach. And that's why they came in concert

with the Attorney General's Office and the Department of Justice. And nobody's even approached or offered out what they were going to do about that issue. Nobody's discussed that. Mr. Buckman leaves that out while he pretends to be championing the rights of all.

Mr. Buckman has a vested interest in what goes on here. I appreciate his advocacy and what he does for the people that he represents. He does very, very well. But we have to look at the balance. We have to look at the broader picture. And I hope that answers a couple of your concerns.

ASSEMBLYMAN PAYNE: Thank you.

Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thank you.

My question is on this nexus issue, where there's been a chilling effect. What recommendations do you have, or do your officers have, based on where we are with this consent decree? What suggestions would you like to see or recommend in order to not have that chilling effect?

DETECTIVE JONES: I think, in the last week or so, the morale of the State Police has gone up considerably. I think that the individuals will soon be getting the message from this Attorney General and First Assistant Attorney General that the train is over the mountain now. We are on our way down. It's going to take time.

This issue, which isn't just a State Police issue, but a societal issue-- It didn't happen in a vacuum, and it didn't happen overnight. And a cure isn't going to come overnight. It's going to take us a couple more years to get over this, to realize that-- What a lot of my members say to me is, "Dave, they're doing the same thing to us that we're being accused of."

When we were talking about training before, Assemblywoman-- When you take a trooper with a good Christian background with good parents who goes to a good school, and he learned right and wrong in his church pew and from his mother and father, and you walk in an academic and have him try to explain ethics to him, that trooper is insulted by that. You better believe he doesn't want to be in that classroom listening to some guy who's collecting a paycheck while he's telling him right from wrong, something that he learned at his mother's knee, something that he learned at his pastor's pulpit.

When we deal with issues like that, there's going to be a certain amount of resentment. But the problem is, the guys feel that they're being grouped, that there's 2700 people being sent to classes. There's 2700 people being mandated to follow all these policies. There's 2700 people who, because of the few, are having these additional responsibilities and burdens cast upon them.

And we can't pick out one or two. Unfortunately, there is no scarlet letter for those people who engage in these unethical practices. So it is going to be the whole group who is going to suffer for the few. And there's no way we're going to get through that in the next year or two, sir, until we work through it.

ASSEMBLYMAN CRYAN: We've heard that. And we've heard the Committee Chairman acknowledge the fact that we're not -- that the group is a good group. And we're looking-- I've heard him say, repeatedly, a few bad apples. I'm sure you've heard it as well.

DETECTIVE JONES: Absolutely.

ASSEMBLYMAN CRYAN: My question is, and I guess I'm going to summarize your answer to make sure I understand it clearly-- As a result of this consent decree and the publicity and things that go with it, your testimony here that it's had a chilling effect, and a concern about victimization, and the result that crime has increased in the State of New Jersey, which is a black and white statistic -- that time and the changes at the top of the State Police are what's going to make our troopers more comfortable to perform in their jobs? Do I understand that correctly?

DETECTIVE JONES: Absolutely. For instance, under Mr. Manahan, when a complaint comes in and it's frivolous, it's done in a manner so as to gain a bargaining chip. They're getting moved through the process much faster. And our vindication, the validation of troopers' behavior, has never been higher. This is something where a trooper knows that that videotape is going to go up to an office. There's going to be an independent review. And instead of taking weeks and months and, in many cases, years -- before the 45-day bill passed -- and I don't think they're being disingenuous. It's just that some of the people haven't been here for the 23-and-a-half years that I have. We waited years, sometimes, for an internal to be cleared up. They were so busy flying out to California to talk to the third person in the car or something.

And sure, that's important, but the system that we had in place meant that your career came to a screeching halt. So, if you were in your 14th or 15th year, and you were waiting to get promoted, that two-year delay, because you chose to make that stop and those people made that allegation, was career-threatening, because that position then went to somebody else. And

you had to keep your fingers crossed and hope that that specter of wrongdoing was cleared as soon as possible.

What I'm saying, sir, is that there will come a point in time, down the road, when we're all going to be on the same page. I honestly believe we're closer to that point now than we ever have been, and the members realize that. We had to do a lot of heavy lifting. And now it's just a matter of setting the course and maintaining a course, which is a well-founded issue put forward by the Chairman.

We do have to stay the course so that we don't ever have to visit these issues again. I agree with that wholly.

ASSEMBLYMAN CRYAN: I need to put you on the spot for one other area that I want to understand. It's from earlier testimony. Are there, in your mind, internal investigations that troopers are victimized as a result of any whistle blowing?

DETECTIVE JONES: I know exactly where Mr. Buckman was going with that. And I don't know--

ASSEMBLYMAN CRYAN: I wasn't, so help me.

DETECTIVE JONES: I'd rather not-- It was a tragic event. It was one of his -- a person that he represented, I believe.

What we're talking about is, when we open up an investigation, we open it up blindly and under the guise that if there's wrongdoing, let's identify it and root it out. The instances that he's talking about, there was prima facie culpability on the people who were involved, and that's just the nature of the beast.

Many a time, we wind up with what we call spin-off complaints. It's been something that we've been trying to eliminate forever, whereby you and I are riding together, sir, and somebody accuses me of threatening a motorist or poking them in the chest, and they watch the videotape, and they realize that you got out of the car with a cigarette or a cup of coffee, you're the guy who's going to get in trouble, if I did everything right. That's just the nature of the beast. That's a spin-off.

What happened was, a lot of these whistleblower incidents cast a light of review on these troopers and what was going on. And if there were deficiencies or shortcomings, it's a two-edged sword, and it cuts both ways. That's the unfortunate reality of the unbiased fashion that our internal affairs bureau works under.

ASSEMBLYMAN CRYAN: Thank you.

ASSEMBLYMAN PAYNE: Assemblywoman Nilsa Cruz-Perez.

ASSEMBLYWOMAN CRUZ-PEREZ: I just want to comment on something about the training.

I was raised in a very Catholic environment and very old-fashioned. My parents are very old-fashioned and very Catholic. And if I have to take training to teach me about other cultures or ethics, I won't be offended, because I'm not doing anything wrong. To me, it would be like, "Okay, this has to be given because it's part of my job, and this training has to be provided."

You say that some officers are offended. I don't know why. If I have to take the classes -- I don't think I'm doing anything wrong, that doesn't apply to me. It's just part of my job.

It's like I attended a course on sexual harassment. And I said, "Well, I don't really-- Nothing that they're explaining here applies to me, but that's okay. I have to take this. This is part of my job."

And I think this training is part of their job. And if it doesn't apply to you, you don't have to be offended. I just want to clarify that.

You have mentioned something else that puzzles me. You say that crime has gone up because the officers are afraid to stop people, because they're afraid that they will be accused of racial profiling. In my opinion, if I believe I have evidence, and I know someone is conducting something or doing something illegal or committing a crime, I will stop that person, regardless of their race, and I will-- Even if it is my mother, I will stop that person. And I don't understand why the State Troopers feel intimidated by doing their job, just because the person happens to be a minority. They shouldn't be.

DETECTIVE JONES: Fourth Amendment search and seizure cases could fill this room. That's a very important but gray area. And criminals generally don't drive around with their SBI numbers on the back of their cars. So, there has to be a development of probable cause, a development of reasonable, articulable suspicion, which, again, as Mr. Manahan entered into that conversation -- he wasn't privy to the fact, because he just got here -- that the standard that the Supreme Court used was the standard that we already had in place in our operating procedure. We were already behaving to that level long before it became a mandate from the Supreme Court. And their language and our language mirrors each other. And I have to believe that when they went looking, somebody had to find one of our SOPs and matched that up.

But bad guys don't surrender. They don't identify themselves. You have to build a legal bridge to that seizure. And that's why it's so complicated. And when that interaction begins with someone, and it's based upon race, according to *Soto* and according to other cases, it's a reasonable defense that can be put forward. And for that matter, it's grounds for pursuits civilly -- personally against a trooper also -- that the stop, no matter how egregious the seizure can be -- it can be a dead body, it could be a thousand pounds of cocaine, it could be a nuclear missile -- if that seizure is done improperly, than that individual goes. And that's going to be weighed against the fourth amendment. One of the critical issues is going to be whether it was a race-based stop. So, that's why these guys have to believe--

If they knew that it was a criminal, that we're not dealing with that issue, it's completely different. It's when criminals are attempting to disguise their behavior and we're attempting to ferret them out within the guidelines of the constitution. Juxtaposition wise, that's what makes it difficult. It's not just that we're deciding that we're not going to stop a criminal.

ASSEMBLYMAN PAYNE: Thank you very much for your testimony. We are a country of laws and not of men. And I think we're not going to -- we just simply can't be overly concerned about-- We have to protect the constitution. That's the way it works, and that's the way it is. And I agree that if, in fact, there is some training that somebody doesn't like, grin and bear it. It's there. It's part of the job. And I'm sure that if a gentleman or a woman doesn't like it, they could probably find a job elsewhere. If they don't want to go learn about other cultures, etc., I'm sure they could probably find other jobs. But I really don't think it's as widespread as you say it is. And

people seem to resent being in a classroom, maybe, except as Mr. Manahan said, it's because nobody feels like sitting through a class. But if it's part of the job, it's going to make us have a better law enforcement agency. I think it's all to the good.

Thank you.

DETECTIVE JONES: Absolutely, sir.

The issue with the training-- Almost any good police officer or anybody in any line of work will take as much credible and useful information as possible.

We're 400 guys short. We're through our eighth series of 2700 people going into classes. If you do the man-hours on that alone, we're talking about millions of dollars being spent while guys are out there riding around without a backup, so that somebody can sit somebody down and talk about an ethical issue as it relates to diversity or anything else. I agree 1000 percent. And we've never had any sort of animus towards those types of classes. It's just in that one issue where people had pause.

ASSEMBLYMAN PAYNE: Thank you very much.

Thanks to all of you for attending this hearing. I think they will be able to get some very positive kinds of reactions to what we've learned today. It will make us better. But I think that, again, what we've heard today-- I think we're still headed in the direction of improving the conditions that existed back in '98 and '99.

So, thank you very much for all of your help.

**(MEETING CONCLUDED)**